

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Michael T. Wilson

RECEIVED
JAN 4 2013

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Michelle Pherell - Warden
Captain - Oakman
Captain - Waterford
City of Philadelphia
The PPS Administration (H.O.C)
PPS Prison Officials (H.O.C)

13

61

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Michael T. Wilson
ID # 651336 Inst. # 1220337
Current Institution House of Corrections
Address 8001 State Rd Philadelphia Pa 19136

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Michelle Phereil-Warden Shield # _____
Where Currently Employed House of Corrections
Address 8001 State Rd. Philadelphia Pa 19136

Defendant No. 2 Name Captain-Oakman Shield # _____
Where Currently Employed House of Corrections
Address 8001 State Rd. Philadelphia Pa 19136

Defendant No. 3 Name Captain-Waterford Shield # _____
Where Currently Employed 8001 State Rd. Philadelphia - H.O.C.
Address _____

Defendant No. 4 Name City of Philadelphia Shield # _____
Where Currently Employed City of Philadelphia
Address City of Philadelphia

Defendant No. 5 Name PPS Administration / PPS Prison Officials Shield # _____
Where Currently Employed 8001 State Rd. House of Corrections
Address 8001 State Rd. Phila. Pa 19136

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? House of Corrections

B. Where in the institution did the events giving rise to your claim(s) occur? While I was housed at The House of Corrections on G-1 Housing Area,

C. What date and approximate time did the events giving rise to your claim(s) occur? _____

D. Facts: While incarcerated here at the House of Corrections, the above mentioned defendants has continuously failed to ensure that I am provided and afforded the opportunity to attend the Muslim Jumu'ah Religious Friday obligatory Prayer Service. During the entire month of September 2012 on Fridays I was constantly denied my right to be provided and afforded the opportunity to attend the Muslim Jumu'ah Religious Friday obligatory Prayer Service. And During the entire Month of October 2012 on Fridays I was continuously denied my right to be provided and afforded the opportunity to attend the Muslim Jumu'ah Religious Friday obligatory Prayer Service. And During the entire Month of November 2012 + December 2012 on Fridays, I was still continuously denied my Constitutional right to be provided and afforded the opportunity to attend the Muslim Jumu'ah Religious Friday obligatory Prayer Service.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?
- Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

The House of Corrections

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?
- Yes ☒ No ☐ Do Not Know ☐

- C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?
- Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)? The grievance filed by me in regards to this issue and Complaint.

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?
- Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

- E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

At the House of Corrections.

- Which claim(s) in this complaint did you grieve? The Denial of attending my obligatory Jumu'ah Religious Friday Prayer Service.
- What was the result, if any? I never received a response from the grievance Board or Committee at the House of Corrections.
- What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. There was never a response to my grievance, so I submitted approximately 2 more grievances pertaining to this same issue, and still I never received a Response from the defendants or their Administration.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: _____

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I file approximately 3 grievances pertaining to this issue and never received a response regarding this grievance. I also sent copies of these grievances to Mr. David Rudovsky Esq., 718 Arch Street Suite 501 South Phila. Pa 19106. Please feel free to contact him to verify, 215-925-4400.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

I want the Courts to put a stop to this form of cruel and unusual punishment inflicted by the PPS Prison System and their Administration. I also want to be compensated in the amount of One Hundred and seventy five thousand dollars for continuously being denied my Constitutional right to attend the Jum'ah Prayer Service, and because of the mental and spiritual suffering I have to endure while incarcerated at the House of Corrections. And ultimately because it will probably ensure that the City of Phila., its Prison officials, and their Administration will never practice or inflict such cruel and unusual punishment on a Muslim inmate or inmates ever again.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings visible.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No ☒

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes No

If NO, give the approximate date of disposition _____

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7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

C. Have you filed other lawsuits in state or federal court?

Yes ____ No ☒

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1 day of January, 2013.

Signature of Plaintiff

Michael Wilson

Inmate Number

651336

Institution Address

8001 State Rd.
Philadelphia PA 19136

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 1 day of January, 2013, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: Michael Wilson

November 2, 2012

Dear Mr. David Rudovsky,

Hi, my name is Michael T. Wilson, and I am presently incarcerated here at the House of Corrections. However, while incarcerated here at the House of Corrections, I have been continuously and constantly denied the right to attend the Muslim Jum'ah Services on Fridays here at the House of Corrections, simply because the House of Corrections and their Administration has failed to ensure that I am afforded and provided the opportunity to attend the Jum'ah Friday Muslim Prayer service at least once a week. Thereby denying me my constitutional Right under the Fourteenth Amendment to be provided and afforded said religious services.

Therefore I am hereby requesting that you please represent me in bring suit against the City of Phila. It's Prison officials and their Administration. Thank you!

Respectfully Submitted,
Michael Wilson.

PP# 651336

PP# 651336

P.S. Mysteriously,
the other copy of grievances I sent to you a month ago pertaining to this issue never reached you. And also I never received a response from the Administration

ASD ☐
 CFCF ☐
 DC ☐
 HOC ☒
 PICC ☐

Philadelphia Prison System

Inmate Grievance Form

Check box only if grievance is regarding Medical Services ☐
 Name Michael Wilson Housing Unit E-1-111-1-111
 Intake Number 1220337 Police Photo Number 451234

 Description of Grievance, Incident or Problem
 (include date and time of incident)

To whom it may concern,

Once again I'm filing this time. I am hereby submitting this grievance to inquire and complain as to why have the Administration here at the House of Corrections, have failed to ensure that I am afforded and provided the opportunity to at least attend my obligatory Jumu'ah - Friday religious service? However, while incarcerated here at the House of Corrections, the City of Philadelphia, its Prison officials here at the House of Corrections and their Administration, has continuously denied me ^{the} right under the Fourteenth Amendment, to be afforded the opportunity and provided ^{the} opportunity to attend the Jumu'ah Friday Religious Service for Muslims. None the less, I would like for you to remember that the Federal Courts have held and established that the State must hire and pay for the services of a Muslim Imam where the number of Muslim inmates ^{IN} their Prison are large. Moreover the

Action Requested by Inmate:

that the Administration here at the House of Corrections will now ensure that Muslims here are provided and afforded the opportunity to attend their Jumu'ah - Friday - Religious Service on Fridays.

See: Continuation of Grievance - Page 2 Yes ☒ No ☐

Describe how and when you tried to resolve this Grievance informally.

By speaking with a Captain about this issue. And also by filing 3 prior grievances pertaining to this same issue. And there was no response.

Date that you are depositing this Grievance in a grievance box: 11-2-12
Michael Wilson
 (Signature of Grievant)

11-2-12
 (Date)

ASD ☐
 CFCF ☐
 DC ☐
 HOC ☒
 PICC ☐

Philadelphia Prison System

Inmate Grievance Form

Check box only if grievance is regarding Medical Services ☐
 Name Michael Wilson Housing Unit G-1 1111-11
 Intake Number 1220337 Police Photo Number 651334

 Description of Grievance, Incident or Problem
 (include date and time of incident)

way the Prison handles the religious needs of Muslims as opposed to other religions is actionable and potentially violative of the Fourteenth Amendment.

However, in a Seventh Circuit Case discussed elsewhere on this subject, irrational distinctions between Muslims and Christians were found to violate equal protection.

Therefore, I hereby further request that the House of Corrections please ensure that I am ~~not~~ afforded and provided the opportunity to attend the Muslim Jumu'ah Prayer Service which is obligatory for a Muslim to attend on Fridays.

Thank you very much for your time and cooperation.

Respectfully Submitted,
 Michael Wilson 651334

Action Requested by Inmate:

See: Continuation of Grievance - Page 2 Yes ☐ No ☐

Describe how and when you tried to resolve this Grievance informally.

Date that you are depositing this Grievance in a grievance box:

11-2-12

Michael Wilson

11-2-12

(Signature of Grievant)

(Date)

KAIRYS, RUDOVSKY, MESSING & FEINBERG LLP

Law Offices

The Cast Iron Building
718 Arch Street
Suite 501 South
Philadelphia, PA 19106

Phone (215) 925-4400
Fax (215) 925-5365

Website: krlawphila.com

David Rudovsky
Paul Messing
Jonathan Feinberg
Dana Bazelon
Ilene Kalman (1985-1996)
David Kairys
Of Counsel
Tanya Alexander
Office Manager


November 6, 2012

Michael Wilson
PP 651336
PPS
8001 State Road
Philadelphia PA 19136

Dear Mr. Wilson

Your recent letter has been received and reviewed by Mr. Rudovsky. Please be advised that due to his schedule and other litigation commitments he does not have the time to assist with the matter you wrote to him about, but states that you should contact Gerald Williams, Esq. As his office may be presenting this issue in federal court.

Sincerely,


Tanya L. Alexander
Office Manager

KAIRYS, RUDOVSKY, MESSING & FEINBERG LLP

Law Offices

The Cast Iron Building
718 Arch Street
Suite 501 South
Philadelphia, PA 19106

Phone (215) 925-4400

Fax (215) 925-5365

Website: krlawphila.com

David Rudovsky
Paul Messing
Jonathan Feinberg
Dana Bazelon
Ilene Kalman (1985-1996)
David Kairys
Of Counsel
Tanya Alexander
Office Manager

November 19, 2012


Michael T. Wilson
651336
PPS
8001 State Road
Philadelphia, PA 19136

Dear Mr. Wilson:

Your recent letter has been received and reviewed by Mr. Rudovsky.

Mr. Rudovsky states that you should contact Gerald Williams, Esq., 1515 Market Street, Philadelphia, PA 19102.

Sincerely,


Tanya L. Alexander
Office Manager